THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18272 OF 2006

01.9.2006

Between:

Chilakalapudi Sambasiva Rao, S/o.Veerabhadra Rao

… Petitioner

AND

The District Collector, West Godavari District, Eluru
And others

… Respondents

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ORDER:

The petitioner claims to be absolute owner of land admeasuring Acs.17.26 cents in R.S.Nos.186/2, 215/3, 216/E, 217/4, 218 and 218/1 of Jagannadhapuram Village of Pedavegi Mandal, and another extent of Acs.15.86 cents situated in R.S.No.70 of Muthaanaveedu Village of Pedavegi Mandal in West Godavari District belonging to joint family. It appears that there have been disputes between the petitioner and fourth respondent as well as fifth respondent. These disputes are now before the Civil Courts, in O.S.No.1194 of 2002 and O.S.No.736 of 2003 on the file of the Principal Junior Civil Judge, Eluru and also O.S.No.115 of 2006 on the file of the Court of the Additional Senior Civil Judge, Eluru. While the suits are pending, it is alleged that the fourth respondent influenced the second respondent for obtaining pattadar passbooks in his favour and is trying to dispossess the petitioners. Therefore, the present writ petition is filed seeking a writ of Mandamus declaring the action of the second respondent, namely, the Mandal Revenue Officer, Pedavegi Mandal (MRO), in issuing pattadar passbooks to respondents 4 and 5 as illegal and contrary to law.

There cannot be any dispute with proposition of law that whenever a citizen approaches the public authority with an application, a duty is cast on him to consider the same and pass appropriate orders. In this case, it is admitted that the fifth respondent approached the second respondent with an application, for issue of pattadar passbooks. If such application is in accordance with the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 and A.P. Rights in Land and Pattadar Pass Books Rules, 1989, consideration of the same cannot be treated as illegal. As the petitioner claims to be absolute owner of land situated in Jagannadhapuram Village and Muthaanaveedu Village, it is always open to him to approach the second respondent and file objections for grant of pattadar passbooks in favour of contesting respondents. A writ petition to prevent the second respondent from exercising statutory powers is seldom maintainable nor such writ petition is proper

remedy. If there is a threat of dispossession from respondents 4 and 5, the petitioner can seek appropriate relief from the Civil Court. When he has already filed three suits, nothing prevents him to file another suit or application in pending suit restraining the respondents 4 and 5 from interfering with his possession.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

September 01, 2006
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